

# Congress of the United States

## House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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March 6, 2018

The Honorable Lamar Smith  
Chairman  
House Committee on Science, Space and Technology  
2321 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Smith:

Under your Chairmanship the Science Committee has aggressively investigated cybersecurity issues in both the public and private sectors. We have investigated cybersecurity breaches at the Office of Personnel Management (OPM), the Federal Deposit Insurance Corporation (FDIC) and most recently at Equifax, for instance. However, the Committee has inexplicably ignored multiple reports of cyber security attacks by Russia against our election infrastructure leading up to the 2016 elections. This lack of interest in these specific cybersecurity attacks waged against the most important pillar of our democratic process is both puzzling and a clear failure of our Committee's responsibility to conduct appropriate investigations and to engage in critical oversight activities that the U.S. Congress has delegated to the Science Committee.

Your staff recently released a report titled, "*Russian Attempts to Influence U.S. Domestic Energy Markets by Exploiting Social Media.*"<sup>1</sup> We appreciate that you acknowledge the fact that Russia has exploited social media to influence the American public. What surprises us is your view of this issue that appears limited to the U.S. energy market alone.

In September 2016, the Science Committee held a hearing on "*Protecting the 2016 Elections from Cyber and Voting Machine Attacks.*" In your opening statement at that hearing, you said:

"We are here today to discuss the subject of election security. It's hard to imagine a more bipartisan issue. Election security is fundamental to the fairness of elections and democracy in the United States. Elections are a key component of democracy, and voting is the very essence of what President Abraham Lincoln meant when he said a government "by the people." .... If we are

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<sup>1</sup> "Russian Attempts to Influence U.S. Domestic Energy Markets by Exploiting Social Media," Majority Staff Report, Committee on Science, Space & Technology, March 1, 2018, accessed here: <https://science.house.gov/news/press-releases/sst-committee-staff-report-reveals-russia-s-social-media-meddling-us-energy>

attacked repeatedly and do nothing, we will have surrendered unilaterally and put at risk our economy, our national security, our very freedoms.”<sup>2</sup>

You went on to mention that individuals with alleged ties to Russia had attacked the voter registration databases in Illinois and Arizona. Nevertheless, your interest in investigating Russia’s influence in the 2016 elections appears to have fizzled away in the aftermath of the November 2016 elections, despite the fact that the evidence of Russia’s actions against the U.S. mounted significantly after the 2016 elections, as more details about Russian attempts to undermine our democracy were revealed by the news media and confirmed by the U.S. intelligence community.<sup>3</sup> In your opening statement during the September 2016 hearing you also berated the Obama administration for not doing enough on this front and you called for the “next administration” “to take decisive steps to deter and, if necessary, sanction foreign governments that attack us in cyber-space.”<sup>4</sup> The Science Committee’s silence regarding threats against and potential countermeasures for our nation’s election infrastructure since that hearing has been deafening.

The ability of all U.S. citizens to safely and securely vote is fundamental to our democracy. Through the Committee’s jurisdiction over cybersecurity standards and technologies in general we have a vital responsibility to each and every American to ensure that their votes are appropriately counted and that foreign, domestic, or other actors do not surreptitiously interfere with, manipulate or otherwise unlawfully influence our election infrastructure, voting polls and election results. Hardening, improving and strengthening the vitality, robustness and security of our election infrastructure should be a primary pursuit of the Science Committee.

The Science Committee helped to write the “Help America Vote Act of 2002” (HAVA). Specifically, the Science Committee pushed to establish standards for voting machines to ensure the integrity of our elections. As evidence continues to mount that Russian operatives targeted voting operations across the United States in 2016, it is unconscionable that our Committee hasn’t taken a hard look at reviewing the integrity of our election infrastructure. Instead, you seem singularly focused on Russian social media posts about U.S. energy markets, something only tangentially related to the Committee’s actual legislative jurisdiction.

As Members of the House Science Committee we should strive to use the power and prestige of the Committee to initiate national conversations and constructive dialogue on issues involving critical science and technology-related issues. There can arguably be no more important an issue

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<sup>2</sup> Statement of Chairman Lamar Smith (R-Texas), “Protecting the 2016 Elections from Cyber and Voting Machine Attacks,” Full Committee Hearing, Committee on Science, Space & Technology, September 13, 2016, accessed here: <https://science.house.gov/sites/republicans.science.house.gov/files/documents/HHRG-114-SY-WState-S000583-20160913.pdf>

<sup>3</sup> “Assessing Russian Activities and Intentions in Recent US Elections,” U.S. Intelligence Community Assessment (ICA), Office of the Director of National Intelligence (ODNI), National Intelligence Council, January 6, 2017, accessed here: [https://www.dni.gov/files/documents/ICA\\_2017\\_01.pdf](https://www.dni.gov/files/documents/ICA_2017_01.pdf)

<sup>4</sup> Statement of Chairman Lamar Smith (R-Texas), “Protecting the 2016 Elections from Cyber and Voting Machine Attacks,” Full Committee Hearing, Committee on Science, Space & Technology, September 13, 2016, accessed here: <https://science.house.gov/sites/republicans.science.house.gov/files/documents/HHRG-114-SY-WState-S000583-20160913.pdf>

for our Committee to address than the security of our election infrastructure. We also know that states around the country that have had their election systems targeted by hackers, as well as cybersecurity experts, are concerned that these foreign adversaries will strike again.<sup>5</sup> Last month alone:

- Harvard University's Belfer Center's program on Defending Digital Democracy released a report titled: "*The State and Local Election Cybersecurity Playbook*."<sup>6</sup>
- New York University's School of Law's Brennan Center showed that 33 states were in need of replacing their voting machines by 2020 to help improve cybersecurity concerns.<sup>7</sup>
- The Center for Internet Security published a Handbook for Elections Infrastructure Security.<sup>8</sup>

Last year, we called on you twice, in October and November 2017, to hold hearings on these critical U.S. election security issues. In January 2018, we sent you a formal letter requesting that you hold hearings on this topic. Today, once again, we are asking you to fulfill your duty and hold a serious, nonpartisan, review of steps local, state and federal officials can take to ensure that there is robust confidence in our voting infrastructure and our election outcomes each and every time American citizens enter a voting booth. We should also investigate the types of tools and technologies that are available to help identify and counter foreign influence operations against the American public. Using the Committee's legitimate oversight authority we can also help deter potential attacks against our democracy by addressing ways to help local and state polling places to harden their individual election infrastructures against potential sabotage or attack.

As Members of the Science Committee know from investigating cybersecurity breaches at both government agencies and in private corporations, defending against cyber-criminals or foreign sponsored cyber assaults is a difficult and demanding task. The Science Committee can and should play a decisive role in helping the entities involved in coordinating elections and securing the results from voters understand the cybersecurity threats they face and the tools, technologies and resources available to help them fulfill their jobs to ensure free, fair and secure elections.

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<sup>5</sup> See: "States rush to defend 2018 election from Russia," *Bloomberg News* (reprinted in *Minnesota Lawyer*), February 22, 2018, accessed here: <https://minnlawyer.com/2018/02/22/states-rush-to-defend-2018-election-from-russia/> and "Federal Government Tells 21 States Election Systems Targeted by Hackers," *Associated Press*, September 22, 2017, accessed here: <https://www.nbcnews.com/storyline/hacking-of-america/federal-government-tells-21-states-election-systems-targeted-hackers-n804031>

<sup>6</sup> "The State and Local Election Cybersecurity Playbook," Belfer Center for Science and International Affairs, Defending Digital Democracy Project, Harvard University's Kennedy School, February 2018, accessed here: <https://www.belfercenter.org/sites/default/files/files/publication/StateLocalPlaybook%201.1.pdf>

<sup>7</sup> "Cybersecurity Threats Loom, Nation's Outdated Election Infrastructure Must Be Upgraded," Brennan Center for Justice, New York University, School of Law, February 8, 2018, accessed here:

<https://www.brennancenter.org/press-release/nations-voting-infrastructure-outdated-vulnerable-cyberattacks>

<sup>8</sup> "Handbook for Elections Infrastructure Security," Center for Internet Security, February 2018, accessed here: <https://www.cisecurity.org/wp-content/uploads/2018/02/CIS-Elections-eBook-15-Feb.pdf>

We stand ready, once again, to work with you in a constructive and nonpartisan way to fulfill the Committee's oversight obligation regarding this critical issue.

Sincerely,



Eddie Bernice Johnson  
Ranking Member  
Committee on Science, Space & Technology



Donald S. Beyer Jr.  
Ranking Member  
Subcommittee on Oversight